

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD DAVIS,

Plaintiff,

CIVIL ACTION NO. 08-CV-14552-DT

vs.

DISTRICT JUDGE MARIANNE O. BATTANI

**GLADWIN, COUNTY OF,
et. al,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

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OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO COMPEL

This matter comes before the Court on the Motion to Compel filed by Defendants Nurse Laura E. Sasse and Nurse Jim Jaunese filed on July 2, 2009. (Docket no. 52). Plaintiff has not responded, and the time for responding has now expired. All pretrial matters have been referred to the undersigned for decision. (Docket no. 4). The Court dispenses with oral argument on this motion. E.D. Mich. LR 7.1(e). Defendants' motion is now ready for ruling.¹

Defendants served their Interrogatories and Requests for Production of Documents upon Plaintiff on April 1, 2009. (Docket no. 52 exs. A & B). Defendants state that as of July 2, 2009, Plaintiff has not responded to these discovery requests. (*Id.* at 2). They seek an order compelling Plaintiff to respond with complete answers and, should Plaintiff fail to do so, an order dismissing this action. (*Id.*).

¹ Other Defendants filed a "Joinder" to this motion. (Docket no. 53). However, that document seeks an order compelling Plaintiff to respond to Interrogatories and Requests to Admit different from those at issue in the present motion. Moreover, in violation of E.D. Mich. LR 37.2, that document fails to attach a copy of the discovery at issue. This Order does not address that document.

Plaintiff was required to respond to these discovery requests within 30 days after service. Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A). Plaintiff failed to respond within that period. Because Plaintiff also did not respond to Defendants' motion, the motion is unopposed. By not filing any proper objections during the response period, Plaintiff has waived any objections to the discovery. The Court will therefore grant Defendants' Motion to Compel.

Plaintiff's failure to comply with this Order may result in the dismissal of this action with prejudice.

IT IS THEREFORE ORDERED that Defendants' Motion to Compel (docket no. 52) is **GRANTED**. Plaintiff shall on or before August 26, 2009 submit to Defendants' counsel full and complete responses, without objection, to Defendants' Interrogatories and Requests for Production of Documents served on April 1, 2009.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 11, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Richard Davis and Counsel of Record on this date.

Dated: August 11, 2009

s/ Lisa C. Bartlett
Courtroom Deputy